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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,325	06/23/2003	David Chaplin	18217-515 (OXI-15)	1949
. 30623 7	590 09/28/2005	EXAMINER		
MINTZ, LEV AND POPEO,	'IN, COHN, FERRIS,	KWON, BRI	KWON, BRIAN YONG S	
ONE FINANCIAL CENTER			ART UNIT	PAPER NUMBER
BOSTON, MA 02111			1614	

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner		Application No.	Applicant(s)				
Examiner Brian S. Kwon - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Exeminate of time may be available under the problems of 3°C PR 1.756(b). In no event, however, may a reply be timely filed - If NO period for reply is pacified above, he mandrum disturber prior will not be about 100 (b) days, a reply while the stability minimum of thing (30) days will be considered timely. - If NO period for reply is pacified above, he mandrum disturber prior will not be about 100 (b) days. The prior this pacified above, he mandrum disturber prior will not be about 100 (b) days. The prior this pacified above, he mandrum disturber prior will not be about 100 (b) days will be considered timely. - If NO period for reply is pacified above, he mandrum disturber prior will not be about 100 (b) days will be considered timely. - If NO period for reply is pacified above, he mandrum disturber prior will not be about 100 (b) days. The prior time of the prior time. - If NO period for reply is pacified above, he mandrum disturber prior time of the prior time of the prior time. - If NO period for reply is pacified above, he mandrum disturber prior time. - The MAILING DATE of THIS COMMUNICATION. - If NO period for reply is pacified above, he mandrum disturber prior time of the pr			.,				
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	3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) 🔲 Notice of Informal Pa					

Application/Control Number: 10/602,325

Art Unit: 1614

DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-6, drawn to a process of treating a disease state associated with vascular targeting comprising administering combination of vascular targeting agent and an anti-hypertensive agent.
 - II. Claims 9-14, drawn to a process of making said pharmaceutical combination.

Inventions I and II are related as process of making and process of using the product. The use as claimed cannot be practiced with a materially different product. Since the product is not allowable, restriction is proper between said method of making and method of using. The product claims (claims 7-8) will be examined along with the elected invention (MPEP § 806.05(i)).

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

2. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species from each group of vascular targeting agents and anti-hypertensive agents (e.g., combretastatin+propanolol or combretastatin+sodium nitroprusside) from under the instant claims of the elected Group. Moreover, whatever specific compound is ultimately elected, applicants are required to list all claims readable thereon.

With the election of a specific exemplified compound, a generic concept will be identified by the examiner as the inventive group for examination.

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Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

3. A telephone call was made to Janine M. Susan on August 26, 2005 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

- 4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Kwon whose telephone number is (571) 272-0581. The examiner can normally be reached Tuesday through Friday from 9:00 am to 7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low, can be reached on (571) 272-0951. The fax number for this Group is (571) 273-8300.

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Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-1600.

Brian Kwon Patent Examiner AU 1614

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